C-482 No. 632 of 2001
Old No. 544 of 1999
Hon'ble Irshad Hussain, J.

Heard Sri Pankaj Miglani and Sri I.P.Kohli, counsel for the parties This is a petition for quashing of the proceeding in criminal case no.3053/98 State of U.P, Vs. Srikant Vashistha, pending in the court of C.J.M. Haridwar. The criminal action was initiated on the F.I.R. of respondent no.2 Yatindra Shikhola who as a Secretary of a registered society made a complaint that the petitioner being the erstwhile office bearer of the society had illegally transferred the property for unlawful gain against the interest of the society and its members. Attention has been drawn to the permission, which has been granted to the petitioner by the District Judge per order-dated 23.12.1994 permitting the transfer of the property under the provisions of section 5-A of the Societies Registration Act. The same is annexure I to the petition. The complainant himself pointed out that due to some bonafides mistake, the report was lodged against the erstwhile office bearer of the society. Considering the permission, which has been granted for transfer of the property, no criminal action should have been initiated and in view thereof, the proceedings against the petitioner stand vitiated. The petition is allowed the criminal proceedings mentioned above are quashed.

(Irshad Hussain, J.)

1.7.2002
M.P.S.